

Membership Balance Plan
Ocean Research Advisory Panel

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 7903 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Ocean Research Advisory Panel ("the Panel").
2. Mission/Function: The Panel shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council ("the Council"). The Council now operates as the National Ocean Council (NOC) as directed by Executive Order 13547 and consists of the Secretaries of the Departments and Administrators and Directors of Federal Agencies that have interest in improving the knowledge and understanding of the ocean. The statutory duties of the Council have been assumed by the NOC Deputy-level Committee ("the Committee").
3. Points of View: Pursuant to 10 U.S.C. § 7903(a), the Panel shall consist of not less than 10 and not more than 18 members, representing the following:
 - a. One member who will represent the National Academy of Sciences.
 - b. One member who will represent the National Academy of Engineering.
 - c. One member who will represent the Institute of Medicine.
 - d. Members selected from among individuals who will represent the views on ocean industries, State Governments, academia, and such other views as the Chairs of the Committee consider appropriate.
 - e. Members selected from individuals who are eminent in the fields of marine science, marine policy, or related fields.

The NOC represents all elements of U.S. Government with interests in the ocean to promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication. Thus, the span of the interest and responsibility includes activities of the government beyond the normal interest of the DoD.

The DoD is required to provide a Panel capable of viewing the complex issues facing the Nation, through a multidiscipline advisory committee, in order to provide the American public with a broader understanding on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel members approved by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, under 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be approved to serve as regular government employee (RGE) members. Panel members shall be renewed, on an annual basis, by the Secretary of Defense or the Deputy Secretary of Defense.

The Panel's membership balance is not static and the Chair of the Committee may appoint and the Secretary of Defense or the Deputy Secretary of Defense may approve a revised membership based upon work assigned to the Panel by the Committee. In addition, the Department, unless

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directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. The Panel shall include members who represent the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. Based upon an agreement among these institutions and the Council, one member designated by the institutions will represent all three institutions and his or her membership shall be approved by the Secretary of Defense or the Deputy Secretary of Defense. There is also a desire for consideration of geographic balance to ensure the viewpoints of the different coastal and marine localities are represented.
5. Candidate Identification Process: Potential candidates, based on the educational and professional credentials of individuals are identified by an announcement in the Federal Register and discussed with representatives of the Committee. After the identification of a field of possible candidates, a screening committee, under the auspices of the Committee further narrows the list of potential candidates based on the current needs of the Committee. Once potential candidates are identified, the Chairs review the credentials of each individual, striving to achieve a balance between the professional credentials of the individual and the near term subject matters that they anticipate will be reviewed by the Panel. The Chairs then appoint the Panel's membership.

Before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Panel's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the appointees to the Secretary of Defense or the Deputy Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

Following the Secretary of Defense or the Deputy Secretary of Defense approval, the approved candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

The Secretary of Defense may approve the appointment of Panel members for one-to-four year terms of service; however, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

Panel and subcommittee member vacancies will be filled in the same manner as described in the previous four paragraphs above.

6. Subcommittee Balance: The DoD, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Panel.

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Subcommittee members are selected by the Secretary of the Navy; and the Secretary of Defense or the Deputy Secretary of Defense shall approve their appointments. These individuals may come from the parent committee or new nominees, as recommended by the Panel's sponsor and based upon the matters under consideration. The subcommittee's membership is balanced in the same manner as the parent committee

7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Prepared: April 22, 2014